IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 274 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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TALSING GULABSING CHAUHAN

Versus

COLLECTOR

Appearance:

1. Appeal from Order No. 274 of 2000

Shri Raval for MS KUSUM M SHAH for Petitioner No. 1-1/5

GOVERNMENT PLEADER for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 11/09/2001

ORAL JUDGEMENT

1. This Appeal from Order is listed today for 22nd time. Last time when it was placed before this Court on 28.8.2001 learned Counsel Ms.Kusumben Shah filed Sick Note and therefore it was kept today. Today, again she has filed Sick Note. From the order sheet of this Appeal it appears that after the order of notice was issued consistently from 10.7.2001 five times Sick Note has been filed by the learned Counsel for the appellant.

2. Along with this Appeal Civil Application is also filed wherein initially notice was ordered to be issued with ad.interim relief granted in terms of Para : 10(B). Later on the order of status-quo was passed regarding the Suit property on 15.11.2000. The said ad.interim relief was extended upto 12.3.2001. From the order sheet of that Civil Application it appears that thereafter though the Civil Application was adjourned from time to time the said interim relief was not extended. Thus, the said ad.interim relief granted earlier in favour of the appellant - original plaintiff has come to an end long back i.e. on 12.3.2001.

3. In that view of the matter nothing survives in this Appeal as practically this Appeal from Order has become infructuous on the vacation of ad.interim relief granted in favour of the appellant - plaintiff. Under the circumstances this Court has no option, but to dispose of this Appeal without going into legality and validity of the order. Even otherwise, there is no substance in this Appeal. Learned Counsel Shri Raval, who is now appearing for the appellant was not in a position to challenge the impugned order. Accordingly, this Appeal from Order is dismissed.

As the main Appeal from Order No.274 of 2000 is dismissed, Civil Application No.6342 of 2000 will not survive. The same is disposed of accordingly.

sd/-

Date : September 11, 2001 (B.J.Shethna, J.)

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